

Appl. No.: 10/725,222  
Amendment Dated November 29, 2005  
Reply to Office Action of August 29, 2005

### **REMARKS/ARGUMENTS**

The allowance of Claims 11 and 16 is acknowledged with appreciation.

By this response, Claim 5 has been amended to adopt the suggestions of the Examiner and to thereby overcome the rejection under 35 U.S.C. § 112, second paragraph. Claim 1 has been amended to incorporate the substance of dependent claim 7 and to also address and overcome the rejection under 35 U.S.C. § 112, first paragraph. No new issues are presented, and therefore entry of these amendments is clearly appropriate.

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the Yeh reference. Claims 4, 6-9 and 12-15 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Yeh reference further in view of Braun et al. and Largman et al. Reconsideration by the Examiner and withdrawal of these rejections are respectfully solicited in light of the foregoing claim amendments and the remarks which follow.

As defined in Claim 1 as now amended, the composite nonwoven fabric of the present invention comprises a first air permeable nonwoven layer comprised of fibers having a trilobal cross section, with this first layer defining one of the outer surfaces of the composite fabric. It additionally includes a second air permeable nonwoven layer located adjacent to the first layer and comprised of fibers having a cross section which defines four or more lobes. A third nonwoven layer is located opposite the first layer and adjacent to the second nonwoven layer and defines an opposite outer surface of the composite nonwoven fabric. The fibers of this third nonwoven layer have a non-circular cross section that is different from the fibers of said second nonwoven layer. The prior art of record neither anticipates nor renders obvious a composite nonwoven fabric having the structure as defined in Claim 1.

The newly cited Yeh reference describes a moisture management fabric that contains first fibers and second fibers with differing cross sections. More specifically, the fabrics described by Yeh are made from yarns that contain fibers of differing cross section arranged to promote capillary action in order to achieve the desired moisture management. The yarns can be formed into a knitted fabric or a woven fabric as shown, for example, in FIGs. 2A, 2B, 2C and 2D. The only description given by Yeh as to how to produce the necessary capillary action requires the fibers to be grouped together to form yarns. There is no description of how the capillary action

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would be achieved with individual fibers. Therefore, persons following the teachings of Yeh would consider yarns, not layers of fibers.

The Yeh reference admittedly makes reference to a nonwoven at two places in the patent. However, Yeh's mention of a nonwoven does not constitute an enabling teaching of a nonwoven fabric containing multiple layers of fibers of differing cross-section. In fact, Yeh does not describe any nonwoven fabric structure at all. At column 4, line 48, the Yeh specification makes reference to "nonwoven methods such as the use of resins or ultrasound". This is a description of methods for bonding, and does not describe a nonwoven fabric structure. Likewise, at column 6, line 8, the Yeh patent again makes reference to "nonwoven", however there is no disclosure or description of a nonwoven fabric structure or how the fibers would be disposed in a nonwoven. These passing references to "nonwoven" do not constitute a teaching or suggestion of a composite nonwoven fabric of the structure claimed by Applicant in independent Claims 1 and 10. In particular, Yeh does not teach or remotely suggest a composite nonwoven structure that includes first, second and third nonwoven layers as defined in Claim 1, or first second and at least one intermediate layer as defined in Claim 10.

The Braun et al. and Largman et al. references, whether considered singly or in combination with the Yeh reference, also fail to teach or make obvious Applicant's invention as defined in the claims as presented. As previously noted, the Braun reference is specifically concerned with using monofilaments having a bilobal cross section. There is no teaching or suggestion for the combination of a trilobal fibers and fibers with four or more lobes in the respective layers of the Braun fabric. The Largman et al. reference describes trilobal or quadralobal fibers but does not teach or suggest a multilayer composite nonwoven fabric having the structure defined in the claims of record. In summary, the references do not teach the specific combination of layers and fiber cross-sections as claimed in independent Claims 1 and 10 and the claims dependent therefrom.

A rejection based upon the combination of Yeh, Braun et al. and Largman et al. is also fundamentally flawed in that there is no proper basis or motivation for combining the references in the manner proposed in the final rejection. The Yeh reference is concerned primarily with a knitted or woven fabric for moisture management. The Braun reference is concerned with a

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nonwoven fabric containing fibers of a bilobal cross section in a spunbond nonwoven fabric. The Largman patent is concerned with trilobal and quadralobal fibers of a specific configuration. Nothing in these disparate and unrelated patents would motivate a person of ordinary skill in the art to selectively take features from the respective references and to assemble them into a multilayer nonwoven fabric of the structure claimed by Applicant. For the reasons noted, the rejection is improper and should be withdrawn.

Favorable reconsideration by the Examiner, withdrawal of the final rejection and formal notification of the allowability of all claims as now presented are earnestly solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

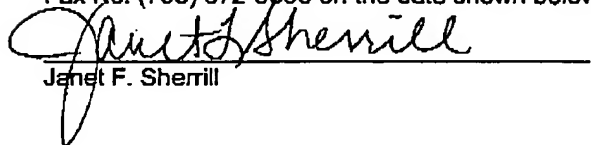


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I hereby certify that this paper is being facsimile transmitted to the U. S. Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

  
Janet F. Sherrill

November 29, 2005  
Date